

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

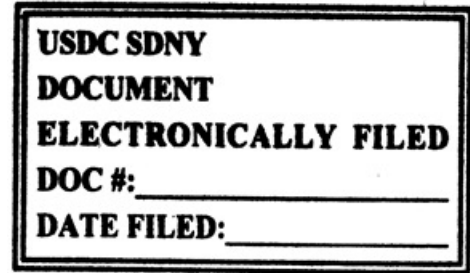
DISTRICT COUNCIL NO. 9
INTERNATIONAL UNION OF PAINTERS
AND ALLIED TRADES A.F.L.-C.I.O.,

Plaintiff,

-against-

FUTURE SHOCK ARCHITECTURAL
METALS & GLASS CORP.,

Defendant.



24-CV-00542 (MMG)

MEMORANDUM OPINION
AND ORDER

MARGARET M. GARNETT, United States District Judge:

On January 25, 2024, Petitioner filed a Petition to Confirm Arbitration. Dkt. No. 1. On February 16, 2024, the Court set a briefing schedule for Petitioner's submission of any additional materials in support of the Petition, Respondent's opposition, and Petitioner's reply. Dkt. No. 7. Petitioner served Respondent with the Petition, supporting materials, and the Court's February 16 Order. Dkt. Nos. 8 and 10. Pursuant to the briefing schedule, Respondent's opposition was due no later than March 28, 2024. Dkt. No. 7. To date, Respondent has neither appeared in this action, nor responded to the petition, nor otherwise sought relief from the Award.

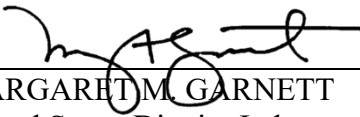
The Court must treat the Petition, even though unopposed, "as akin to a motion for summary judgment based on the movant's submissions." *Trs. for Mason Tenders Dist. Council Welfare Fund, Pension Fund, Annuity Fund & Training Program Fund v. Capstone Constr. Corp.*, 11-CV-1715 (JMF), 2013 WL 1703578, at *2 (S.D.N.Y. Apr. 19, 2013) (discussing in depth the legal standards for resolving unopposed petitions to confirm arbitration awards). After reviewing the petition and the supporting materials, the Court finds that there is no genuine issue of material fact precluding summary judgment as to all portions of the Award, as the Arbitrator's decision provides more than "a barely colorable justification for the outcome reached." *Id.* at *3 (internal quotation marks omitted). Nor is there any justification under Section 10(a) of the Federal Arbitration Act for vacating the Award.

Accordingly, the Court grants Petitioner's unopposed petition to confirm the entire Award. Petitioner is directed to file its Proposed Judgment electronically, using the ECF Filing Event "Proposed Judgment," by no later than **April 17, 2024**.

The Clerk of Court is respectfully directed to terminate Dkt. No. 11 as moot.

Dated: April 11, 2024
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge